

Notice of Allowability

Application No.

10/766,508

Examiner

Trinh T Nguyen

Applicant(s)

BANKS ET AL.

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3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment on 1/6/05 and Interview on 3/17/05.
2. ☒ The allowed claim(s) is/are 2-4, 7-16, 18, 20 and 21.
3. ☒ The drawings filed on 28 January 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date Attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Greenwald on 3/17/05.

The application has been amended as follows:

In claim 2 (currently amended): line 1, "**in Claim 1**" has been amended to **--in Claim 16--**.

In claim 3 (currently amended): line 1, "**in Claim 1**" has been amended to **--in Claim 16--**.

In claim 4 (original): line 3, "**the support legs**" has been amended to **--the removable legs--**.

In claim 7 (currently amended): line 1, "**of Claim 6**" has been amended to **--of Claim 8--**.

In claim 8 (currently amended): line 1, "**The feeder of Claim 6**" has been amended to **--A portable feeder for deer and game comprising: a feed assembly comprising a feed box for holding animal feed; a roof covering the feed box: and one or more roof supports detachably coupled to the feed assembly and the roof--**; line 7, **--**; and wherein the roof supports fit entirely inside the feed box for storage when the roof supports are disassembled from the feed assembly and the

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roof, wherein the feeder can be quickly and easily assembled for temporary use, disassembled for transport and storage, and reassembled and disassembled repeatedly-- has been inserted after "the central segment".

In claim 9 (currently amended): line 1, "**of Claim 6**" has been amended to **--of Claim 8--**.

In claim 10 (currently amended): line 1, "**of Claim 6**" has been amended to **--of Claim 8--**.

In claim 12 (currently amended): line 1, "**of Claim 6**" has been amended to **--of Claim 8--**.

In claim 13 (currently amended): line 1, "**in Claim 1**" has been amended to **--in Claim 16--**; line 2, "**the legs**" has been amended to **--the removable legs--**; line 3, "**the leg attachment elements**" has been amended to **--the hollow stubs--**.

In claim 14 (currently amended): line 1, "**of Claim 6**" has been amended to **--of Claim 8--**.

In claim 16 (new): line 1, "**A portable deer and game feeder as claimed in Claim 1**" has been amended to **--A portable deer and game feeder comprising: a feed assembly including a feeder box and a support frame for supporting the feeder box, the support frame including a plurality of removable legs for supporting the feeder box above the ground; a roof extending over the feeder box and being large enough to overhang the edges of the feeder box; a plurality of removable roof supports for supporting the roof over the feeder box, the roof supports removably attached to the feed assembly and the roof;--**; and line 7,

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--; and wherein the removable legs and the removable roof supports are sized and configured to be detached and stowed entirely within the feeder box for transport-- has been inserted after "the central segment".

In claim 18 (previously presented): line 1, "**of Claim 17**" has been amended to --**of Claim 8**--; line 2, "**the two top**" has been amended to --**two of the top**--.

In claim 20 (previously presented): line 1, "**of Claim 19**" has been amended to --**of Claim 8**--.

In claim 21 (previously presented): line 1, --**the feeder comprises two of the roof supports, and**-- has been inserted after "**wherein**"; lines 4-5, "**the third top segments**" has been amended to --**the third top end segments**--.

Claims 1, 6, 17, and 19 have been cancelled.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Figures 11 & 12, reference number "48c" has been amended to reference number --46c--. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose or render obvious a motivation to provide a feeder having the specific structural of the roof supports such as claimed in claims 8 (currently amended) and 16 (new) (i.e., the roof supports each comprise at least one generally vertical central segment, at least three top end segments extending upward from the central segment and angled with respect to each other and with respect to the central segment, and at least two bottom end segments extending downward from the central segment

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and angled with respect to each other and with respect to the central segment, wherein at least one of the top end segments is detachably coupled to the central segment).

The reference McCollough as well as other cited references (i.e., US 436,112; US 53,634; US 294,600; US 58,529; US 45,011; US 53,811; and US 3,249,090) teach a feeder as similar as that to the Applicant but it does not teach the specific structural of the roof supports (as stated above in paragraph #3) and to modify it to meet the feeder having "the roof supports each comprise at least one generally vertical central segment, at least three top end segments extending upward from the central segment and angled with respect to each other and with respect to the central segment, and at least two bottom end segments extending downward from the central segment and angled with respect to each other and with respect to the central segment, wherein at least one of the top end segments is detachably coupled to the central segment" would be an improper hindsight seasoning.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

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The examiner's supervisor, Teri Luu can be reached on (703) 305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Trinh T Nguyen
Patent Ex.
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3/17/05